IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 5274/2007

INDRAS & ANR. Vs. HEERALAL & ORS.

DATE: 31.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashvin Garg for the petitioners.

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This writ petition is directed against the order dated 17.05.2007 (Annexure-5) passed by the Additional Civil Judge (Jr. Division) No.1, Behrod, Alwar, whereby the application filed on behalf of the Gram Panchayat, Khundroth, Tehsil Behrod through Sarpanch under Order 1 Rule 10 CPC has been allowed and the Gram Panchayat is impleaded as party respondent.

It is not disputed that a suit for permanent injunction has been filed by the petitioners on the ground of adverse possession and the Gram Panchayat is also claiming right over the Government land as being custodian land.

I find no illegality in the order dated 17.05.2007 passed by the Court below, whereby the Court below has rightly exercised its discretion in

impleading the Gram Panchayat as party respondent. No interference whatsoever is required by this Court.

Learned counsel for the petitioners submits that in the suit, the trial Court has restrained the State not to interfere with the possession of the petitioners. Though no such order has been placed by the petitioners, but if it is so, the petitioners are at liberty to move application before the trial Court seeking similar order in respect of the Gram Panchayat, but in any case, no writ, order or direction is required to be issued by this Court.

Consequently, the writ petition fails and the same is herewith dismissed.

(K.S. RATHORE),J.

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